UNITED STATES OF AMERICA)
)
)
)
v.) No. 3:12-00153
) CHIEF JUDGE HAYNES
)
MARK FRANKLIN SHANKLE)

[Handwritten annotation: Granted. This motion is GRANTED, in the interests of justice to allow defense counsel to be prepared for trial. Then trial will be set. By Order. (illegible signature) 10-10-12]

MOTION TO CANCEL OCTOBER 12 CONFERENCE, CONTINUE TRIAL, AND EXTEND TIME FOR FILING MOTIONS REQUIRING AN EVIDENTIARY HEARING

Through counsel, defendant Mark Shankle moves to cancel this Friday's pretrial conference, to extend the time for filing motions requiring an evidentiary hearing until two weeks prior to any trial date, and to continue the trial in this matter. This matter currently is set for trial on October 23, 2012. Mr. Shankle currently is in state custody serving a state sentence.

In support of this motion, defense counsel would show the following: Defense counsel has now met with Mr. Shankle to review the discovery in this matter. Counsel has identified additional investigation and research which is required before Mr. Shankle can make a knowing and intelligent decision as to how he should proceed in this matter.

Defense counsel has conferred with Mr. Shankle about continuing this matter. Mr. Shankle concurs in this request and has signed and filed a speedy trial waiver.

Assistant U.S. Attorney Clay Lee indicated he does not oppose this request. The parties would jointly propose that this matter be re-set on December 11, January 22, or another date agreeable to the Court. The parties also request that the deadline for filing pretrial motions requiring an evidentiary hearing to be extended until two weeks before any new trial date.

The requested period of delay is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). Defense counsel respectfully submits that the ends of justice served by a continuance outweigh the interests of the public or defendant in a speedy trial. Further, the failure to grant a